

UNITED STATES DISTRICT COURT

Northern

District of

New York

UNITED STATES OF AMERICA

v.

JUDGMENT IN A CRIMINAL CASE

MARTHA IVERY

Case Number: DNYN1:05CR000251-001

USM Number: 114062-052

Richard L. Mott, Defense Counsel

600 Broadway

Albany, New York 12207

(518) 463-1183

Defendant's Attorney

THE DEFENDANT:X pleaded guilty to count(s) 1 through 15, 16 and 17 of the Indictment on December 5, 2005 pleaded nolo contendere to count(s) _____

which was accepted by the court.

 was found guilty on count(s) _____

after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1341 and 2	Mail Fraud	9/26/02	1-15
18 U.S.C. § 1029(a)(10)	Access Device Fraud	7/7/02	16
18 U.S.C. § 152(2)	False Oath - Bankruptcy	7/26/02	17

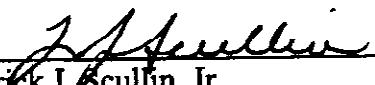
The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed in accordance with 18 U.S.C. § 3553 and the Sentencing Guidelines.

 The defendant has been found not guilty on count(s) _____ Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

November 29, 2006

Date of Imposition of Judgment



Frederick J. Scullin, Jr.
Senior United States District Court Judge

December 21, 2006
Date

DEFENDANT: **MARTHA IVERY**
CASE NUMBER: **DNYN1:05CR000251-001**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

65 Months on Counts 1 through 16 and 60 Months on Count 17, all terms imposed concurrently with each other.

X The court makes the following recommendations to the Bureau of Prisons:

The defendant be housed at the Danbury, Connecticut facility and receive both mental health and alcohol counseling.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____.

as notified by the United States Marshal.

X The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

X before 2 p.m. on Tuesday, January 9, 2007.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: **MARTHA IVERY**
CASE NUMBER: **DNYN1:05CR000251-001****SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

3 Years on Count 1 through 17, all terms imposed concurrently with each other.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Deselect, if inapplicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement; and
- 14) the defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

DEFENDANT: **MARTHA IVERY**
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SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall participate in a program for substance abuse which shall include testing for drug and/or alcohol use and may include inpatient and/or outpatient treatment. The program shall be approved by the United States Probation Office.
2. The defendant shall participate in a mental health program which shall include medical, psychological, or psychiatric evaluation and may include outpatient and/or inpatient treatment. The program shall be approved by the United States Probation Office.
3. The defendant shall participate in a program of financial and credit counseling. The program shall be approved by the United States Probation Office.
4. The defendant shall contribute to the cost of any evaluation, testing, treatment and/or monitoring services rendered in an amount to be determined by the probation officer based on the defendant's ability to pay and the availability of third party payments.
5. The defendant shall refrain from the use of alcohol while in treatment and for the remainder of the term of supervision following completion of treatment.
6. You shall provide the probation officer with access to any requested financial information.

DEFENDANT'S ACKNOWLEDGMENT OF APPLICABLE CONDITIONS OF SUPERVISION

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

The conditions of supervision have been read to me. I fully understand the conditions and have been provided a copy of them.

Defendant

Date

U.S. Probation Officer/Designated Witness

Date

DEFENDANT: **MARTHA IVERY**
CASE NUMBER: **DNYN1:05CR000251-001****CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS \$ 1,700.00	\$ 0	\$ 728,248.10

- The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Victim #1	6370.00	6370.00	
Victim #2	8500.00	8500.00	
Victim #3	4000.00	4000.00	
Administrator Office	978.00	978.00	
Victim #5	1175.00	1175.00	
Victim #6	8000.00	8000.00	
Victim #7	6350.00	6350.00	
Victim #8	6750.00	6750.00	
Victim #9	275.00	275.00	
Victim #10	Unknown	Unknown	
Victim #11	6009.00	6009.00	
Victim #12	Unknown	Unknown	
Victim #13	3850.00	3850.00	
Victim #14	3250.00	3250.00	
Victim #15	400.00	400.00	
Victim #16	400.00	400.00	
Victim #17	1000.00	1000.00	
TOTALS	\$ 728,248.10	\$ 728,248.10	

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **MARTHA IVERY**
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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A In full immediately; or
- B Lump sum payment of \$ _____ due immediately, balance due
 - not later than _____, or
 - in accordance with D, E, F, or G below; or
- C Payment to begin immediately (may be combined with D, E, or G below); or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- E Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- F Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- G Special instructions regarding the payment of criminal monetary penalties:
At the minimal rate of 25% of earnings while incarcerated and the minimal rate of \$100 per month or 10% of the defendant's monthly earnings whichever is greater, after release from imprisonment.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to **Lawrence K. Baerman, Clerk, U.S. District Court, Federal Bldg., P.O. Box 7367, 100 S. Clinton Street, Syracuse, N.Y. 13261-7367**, unless otherwise directed by the court, the probation officer, or the United States attorney. If a victim cannot be located, the restitution paid to the Clerk of the Court for that victim shall be sent to the Treasury, to be retrieved if and when the victim is located.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several
- Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

DEFENDANT: MARTHA IVERY
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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Victim #18	2850.00	2850.00	
Victim #19	3000.00	3000.00	
Victim #20	1253.45	1253.45	
Victim #21	3000.00	3000.00	
Victim #22	1595.00	1595.00	
Victim #23	4000.00	4000.00	
Victim #24	3500.00	3500.00	
Victim #25	3500.00	3500.00	
Victim #26	475.00	475.00	
Victim #27	Unknown	Unknown	
Victim #28	2250.00	2250.00	
Victim #29	3000.00	3000.00	
Victim #30	100.00	100.00	
Victim #31	13,957.50	13,957.50	
Victim #32	2595.00	2595.00	
Victim #33	Unknown	Unknown	
Victim #34	4400.00	4400.00	
Victim #35	6000.00	6000.00	
Victim #36	7541.00	7541.00	
Victim #37	2850.00	2850.00	
Victim #38	3000.00	3000.00	
Victim #39	Unknown	Unknown	
Victim #40	5800.00	5800.00	
Victim #41	6050.00	6050.00	
Victim #42	3200.00	3200.00	
Victim #43	4500.00	4500.00	
Victim #44	Unknown	Unknown	
Victim #45	2000.00	2000.00	
Victim #46	4190.00	4190.00	
Victim #47	1600.00	1600.00	
Victim #48	850.00	850.00	
Victim #49	400.00	400.00	
Victim #50	6287.00	6287.00	
Victim #51	4025.00	4025.00	
Victim #52	13,703.00	13,703.00	
Victim #53	2000.00	2000.00	
Victim #54	5000.00	5000.00	
Victim #55	4500.00	4500.00	
Victim #56	3791.00	3791.00	
Victim #57	3850.00	3850.00	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **MARTHA IVERY**
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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Victim #58	502.00	502.00	
Victim #59	1900.00	1900.00	
Victim #60	1250.00	1250.00	
Victim #61	6000.00	6000.00	
Victim #62	8000.00	8000.00	
Victim #63	Unknown	Unknown	
Victim #64	5495.00	5495.00	
Victim #65	3750.00	3750.00	
Victim #66	5775.00	5775.00	
Victim #67	Unknown	Unknown	
Victim #68	4350.00	4350.00	
Victim #69	6660.00	6660.00	
Victim #70	4200.00	4200.00	
Victim #71	970.00	970.00	
Victim #72	4500.00	4500.00	
Victim #73	3135.00	3135.00	
Victim #74	7025.00	7025.00	
Victim #75	2600.00	2600.00	
Victim #76	8000.00	8000.00	
Victim #77	4762.00	4762.00	
Victim #78	110.00	110.00	
Victim #79	Unknown	Unknown	
Victim #80	1595.00	1595.00	
Victim #81	3495.00	3495.00	
Victim #82	3495.00	3495.00	
Victim #83	3900.00	3900.00	
Victim #84	9351.00	9351.00	
Victim #85	Unknown	Unknown	
Victim #86	3890.00	3890.00	
Victim #87	3900.00	3900.00	
Victim #88	7025.00	7025.00	
Victim #89	805.90	805.90	
Victim #90	2000.00	2000.00	
Victim #91	Unknown	Unknown	
Victim #92	2850.00	2850.00	
Victim #93	500.00	500.00	
Victim #94	400.00	400.00	
Victim #95	3200.00	3200.00	
Victim #96	7500.00	7500.00	
Victim #97	Unknown	Unknown	

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DEFENDANT: MARTHA IVERY
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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Victim #98	3895.00	3895.00	
Victim #99	4199.00	4199.00	
Victim #100	2000.00	2000.00	
Victim #101	Unknown	Unknown	
Victim #102	4000.00	4000.00	
Victim #103	5200.00	5200.00	
Victim #104	Unknown	Unknown	
Victim #105	2000.00	2000.00	
Victim #106	8000.00	8000.00	
Victim #107	Unknown	Unknown	
Victim #108	1375.00	1375.00	
Victim #109	3200.00	3200.00	
Victim #110	400.00	400.00	
Victim #111	1000.00	1000.00	
Victim #112	560.00	560.00	
Victim #113	1700.00	1700.00	
Victim #114	4600.00	4600.00	
Victim #115	4285.00	4285.00	
Victim #116	4000.00	4000.00	
Victim #117	3764.29	3764.29	
Victim #118	500.00	500.00	
Victim #119	3500.00	3500.00	
Victim #120	4325.00	4325.00	
Victim #121	9405.00	9405.00	
Victim #122	Unknown	Unknown	
Victim #123	3500.00	3500.00	
Victim #124	475.00	475.00	
Victim #125	Unknown	Unknown	
Victim #126	4000.00	4000.00	
Victim #127	719.20	719.20	
Victim #128	3500.00	3500.00	
Victim #129	650.00	650.00	
Victim #130	800.00	800.00	
Victim #131	3800.00	3800.00	
Victim #132	5700.00	5700.00	
Victim #133	5802.00	5802.00	
Victim #134	7000.00	7000.00	
Victim #135	Unknown	Unknown	
Victim #136	2000.00	2000.00	
Victim #137	4175.00	4175.00	
Victim #138	3800.00	3800.00	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **MARTHA IVERY**
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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Victim #139	1566.90	1566.90	
Victim #140	7500.00	7500.00	
Victim #141	Unknown	Unknown	
Victim #142	Unknown	Unknown	
Victim #143	2275.00	2275.00	
Victim #144	1000.00	1000.00	
Victim #145	Unknown	Unknown	
Victim #146	25,206.64	25,206.64	
Victim #147	4237.50	4237.50	
Victim #148	Unknown	Unknown	
Victim #149	4139.00	4139.00	
Victim #150	4785.00	4785.00	
Victim #151	4090.00	4090.00	
Victim #152	4000.00	4000.00	
Victim #153	Unknown	Unknown	
Victim #154	7290.00	7290.00	
Victim #155	2500.00	2500.00	
Victim #156	1000.00	1000.00	
Victim #157	1295.00	1295.00	
Victim #158	800.00	800.00	
Victim #159	400.00	400.00	
Victim #160	4500.00	4500.00	
Victim #161	895.00	895.00	
Victim #162	250.00	250.00	
Victim #163	3500.00	3500.00	
Victim #164	10,980.00	10,980.00	
Victim #165	3895.59	3895.59	
Victim #166	3000.00	3000.00	
Victim #167	7940.00	7940.00	
Victim #168	3725.00	3725.00	
Victim #169	14,180.00	14,180.00	
Victim #170	4700.00	4700.00	
Victim #171	4500.00	4500.00	
Victim #172	Unknown	Unknown	
Victim #173	1600.00	1600.00	
Victim #174	2000.00	2000.00	
Victim #175	1500.00	1500.00	
Victim #176	321.52	321.52	
Victim #177	2775.00	2775.00	
Victim #178	10,250.00	10,250.00	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Victim #179	6372.00	6372.00	
Victim #180	Unknown	Unknown	
Victim #181	Unknown	Unknown	
Victim #182	3800.00	3800.00	
Victim #183	Unknown	Unknown	
Victim #184	1630.00	1630.00	
Victim #185	6500.00	6500.00	
Victim #186	Unknown	Unknown	
Victim #187	3950.00	3950.00	
Victim #188	Unknown	Unknown	
Victim #189	3950.00	3950.00	
Victim #190	617.00	617.00	
Victim #191	2000.00	2000.00	
Victim #192	Unknown	Unknown	
Victim #193	1330.00	1330.00	
Victim #194	Unknown	Unknown	
Victim #195	Unknown	Unknown	
Victim #196	2500.00	2500.00	
Victim #197	Unknown	Unknown	
Victim #198	4400.00	4400.00	
Victim #199	8133.78	8133.78	
Victim #200	300.00	300.00	
Victim #201	Unknown	Unknown	
Victim #202	Unknown	Unknown	
Victim #203	3000.00	3000.00	
Victim #204	1600.00	1600.00	
Victim #205	5000.00	5000.00	
Victim #206	625.00	625.00	
Victim #207	6875.00	6875.00	
Victim #208	4300.00	4300.00	
Victim #209	1000.00	1000.00	
Victim #210	3000.00	3000.00	
Victim #211	1500.00	1500.00	
Victim #212	Unknown	Unknown	
Victim #213	6413.46	6413.46	
Victim #214	Unknown	Unknown	
Victim #215	Unknown	Unknown	
Victim #216	2500.00	2500.00	
Victim #217	375.00	375.00	
Victim #218	Unknown	Unknown	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Victim #219	Unknown	Unknown	
Victim #220	7095.00	7095.00	
Victim #221	Unknown	Unknown	
Victim #222	6500.00	6500.00	
Victim #223	10,095.00	10,095.00	
Victim #224	300.00	300.00	
Victim #225	Unknown	Unknown	
Victim #226	2780.00	2780.00	
Victim #227	5875.00	5875.00	
Victim #228	3250.00	3250.00	
Victim #229	6250.00	6250.00	
Victim #230	1200.00	1200.00	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.